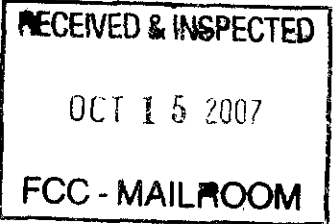


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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**ORIGINAL**



In the Matter of:	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 07-175
Table of Allotments,	)	RM-11380
FM Broadcast Stations	)	
(Cuba, Illinois)	)	

To: Office of the Secretary

Attention: Audio Division, Media Bureau

**COMMENTS**

KM Communications, Inc. ("KM"), the high bidder in the Commission's recent new FM construction permit auction (Auction No. 70, the "Auction") and an applicant for a new commercial FM radio station at Abingdon, Illinois (File No. BNPH-20070502AAU, Facility ID No. 171007, the "Abingdon Application"), by its counsel, and pursuant to Sections 1.415, 1.419 and 1.420 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419 and 1.420, respectfully submits these Comments in response to the Notice of Proposed Rule Making in the above-captioned proceeding.<sup>1</sup>

1. The NPRM seeks comment on KM's proposal to change the channel of the vacant allotment of Channel 292A at Cuba, Illinois to Channel 252A at Cuba, Illinois, and notes the change that has been made in the allotment reference coordinates for the vacant allotment of Channel 253A

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<sup>1</sup> See Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Cuba, Illinois), MB Docket No. 07-175, RM-11380, Notice of Proposed Rule Making, DA 07-3622 (released August 24, 2007)(the "NPRM").

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at Augusta, Illinois<sup>2</sup> to accommodate that channel change. The channel change for the vacant Cuba FM allotment was proposed by KM to permit the change in channel proposed in the Abingdon Application, which proposes to change the channel of the Abingdon, Illinois FM allotment from Channel 252A to Channel 291A. The proposed changes would result in a preferential arrangement of allotments and station assignments, and would serve the public interest, for the reasons stated in the Petition for Rule Making filed by KM on May 2, 2007 (the "Petition") and herein. KM requests that the Commission incorporate the showings made by KM in the Petition (and the Technical Exhibit attached thereto) by reference in these Comments, and consider them in this proceeding.

2. KM asserts that the principles and goals of Section 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 307(b) ("Section 307(b)"), would be served by the grant of the Petition and the FM allotment changes proposed in the NPRM. First, all of the communities of license currently served by an FM allotment which would be affected by the proposed changes would continue to be served by an FM allotment; the only changes would be to the reference coordinates for one allotment (which has already been made) and to the FM channel assigned to serve the communities of Cuba and Abingdon, Illinois. In addition, since both the Cuba and Augusta FM allotments are vacant allotments for which no existing stations are authorized and for which no applications are pending, nor a Commission auction scheduled, there should be no adverse affect on any party seeking to serve either community.

3. With respect to the change in channel for the Cuba allotment, from Channel 292A to Channel 252A, KM notes that the proposed channel allotment change results in a preferential

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<sup>2</sup> KM notes that this change in the allotment reference coordinates for the vacant Channel 253A allotment for Augusta, Illinois, has already been made. See NPRM at n.1.

arrangement of allotments, by eliminating the current site restriction required for the current Channel 292A allotment. Specifically, the current Channel 292A allotment was made with a site restriction of 7.9 kilometers (4.9 miles) southwest of Cuba,<sup>3</sup> whereas Channel 252A that KM proposes to substitute for the vacant Channel 292A allotment at Cuba is fully spaced, and requires no site restriction. See Petition at ¶ 3 and Technical Exhibit at 5 and Figure 7. Therefore, the proposed change in channel would result in a preferential arrangement of allotments, by eliminating the site restriction for the vacant Cuba allotment.

4. Similarly, the proposed channel change for the Abingdon allotment, from Channel 252A to Channel 291A, also would eliminate the current site restriction required for the current Channel 252A allotment at Abingdon, resulting in a preferential arrangement of allotments. Specifically, the current Channel 252A allotment was made with a site restriction of 12.3 kilometers (7.7 miles) southeast of Abingdon,<sup>4</sup> whereas Channel 291A that KM proposes to substitute for the Channel 252A allotment at Abingdon is fully spaced, and requires no site restriction. See Petition at ¶ 2 and Technical Exhibit at 4 and Figure 5. KM notes that the site restriction on the current Channel 252A allotment severely limits the choice of sites, to a very small, triangular-shaped area of only about 1 square mile, see Exhibit 1 attached hereto, whereas the proposed change to Channel 291A would allow considerable more flexibility for sites. Therefore, the proposed change in channel

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<sup>3</sup> See Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Cuba and Knoxville, Illinois), MB Docket No. 05-118, Report and Order, DA 06-341 at ¶ 2 (Audio Division, released February 16, 2006).

<sup>4</sup> See Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Abingdon and Canton, Illinois), MM Docket No. 01-67, Report and Order, DA 01-1481, 16 FCC Rcd 12680 at ¶ 2 (Allocations Branch, 2001).

for the Abingdon allotment also would result in a preferential arrangement of allotments, by eliminating the site restriction for the current Abingdon channel allotment.

5. KM hereby states that if the vacant Channel 292A allotment for Cuba, Illinois is changed to Channel 252A, KM intends to file an application and qualify to bid for the Channel 252A construction permit at the Commission auction, and if successful as the high bidder, to file an application for a construction permit for same, and to promptly construct the new facility once a construction permit is granted.

6. WHEREFORE, the above premises being considered, KM requests that the Commission change the channels of the Cuba, Illinois and Abingdon, Illinois FM allotments, as proposed in the Petition and the NPRM.

Respectfully submitted,

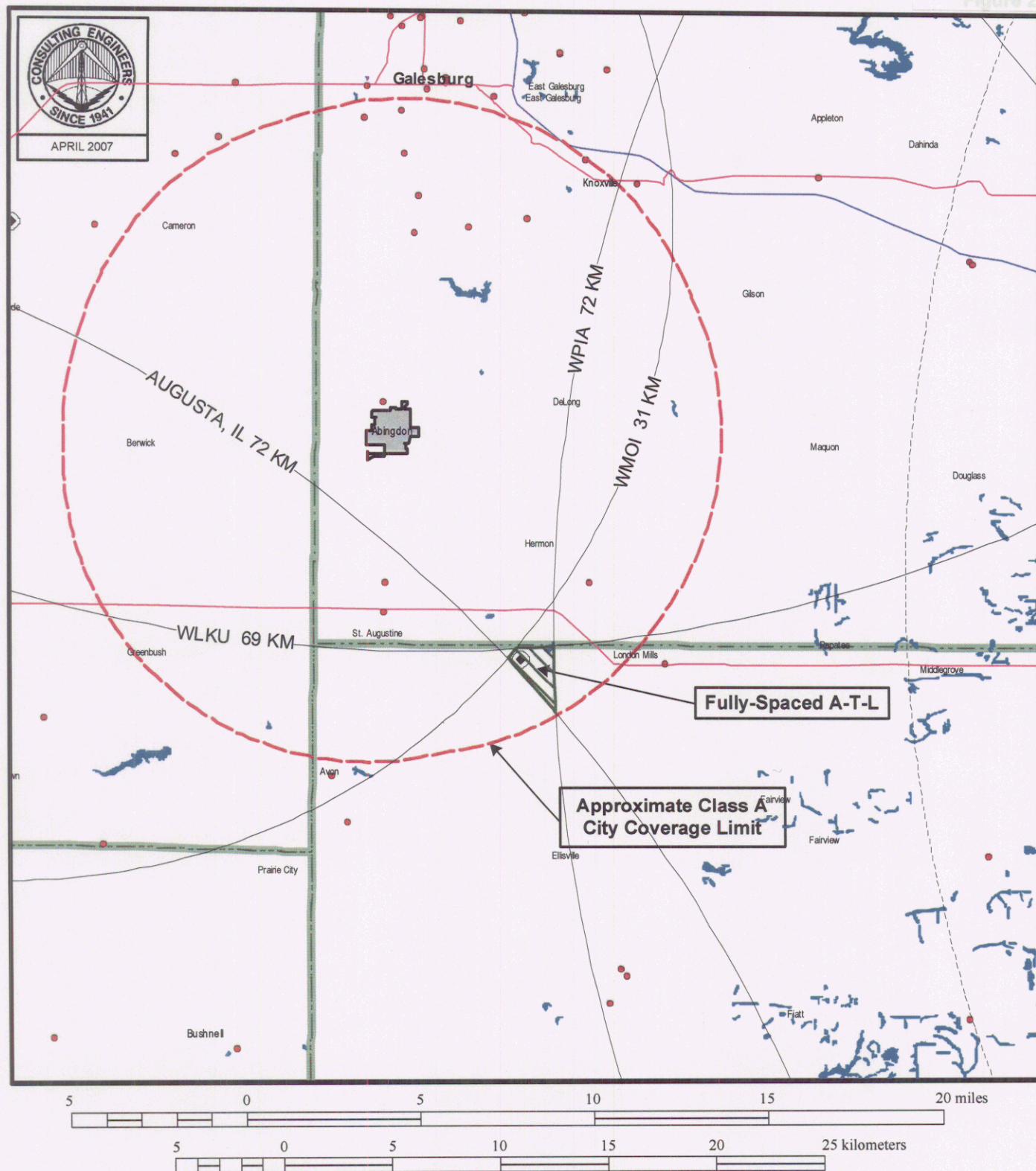
**KM Communications, Inc.**

By: 

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Its Attorney

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October 12, 2007 (for filing by overnight courier on October 15, 2007)



**AREA-TO-LOCATE MAP**  
**PROPOSED FM STATION**  
**ABINGDON, ILLINOIS**  
**CH 252A**

du Treil, Lundin & Rackley, Inc Sarasota, Florida